

These rejections are respectfully but most strenuously traversed.

Applicant respectfully submits that the Hartig primary reference (US Published Application No. 2006/0048708 A) is not available as prior art under 35 U.S.C. 102(e) or 103(a) because Applicant's perfected priority filing date antedates this reference.

Pursuant to MPEP 706.02(b), a rejection based on 35 U.S.C. 102(e) can be overcome by perfecting a claim to priority under 35 U.S.C. 119(a)-(d) within the time period set in 37 CFR 1.55(a)(1). The foreign priority filing date must antedate the reference and be perfected. The filing date of the priority document is not perfected unless applicant has filed a certified priority document in the application (and an English language translation, if the document is not in English), and the Examiner has established that the priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph.

In the current application, the foreign priority date of November 4, 2003 antedates the earliest possible effective date (September 3, 2004) of the Hartig reference. Further, Applicant timely filed its priority claim, and a certified copy of the priority application was provided to the USPTO by the International Bureau in connection with the corresponding PCT application.

Moreover, the PCT application is identical to the German priority application, and, therefore, the previously filed English translation of the PCT application can also serve as the English translation of the German priority application.

Since no issue has been raised relating to the enablement and description requirements of 35 U.S.C. 112, first paragraph, with regard to this PCT national phase application, no such issue arises with regard to the identical priority application.

Since the Examiner has relied upon the Hartig published application 2006/0048708 A1 as the primary reference in all of the prior art rejections, and this reference is not prior art for the reasons presented above, the Examiner is respectfully requested to withdraw all of the rejections and to allow all of the pending claims.

If it would advance the prosecution of this application, the Examiner is cordially invited to contact Applicant's representative at the below indicated telephone number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff Rothenberg", with a stylized underline.

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Dated: August 9, 2010

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